I hereby certify that this correspondence is being filed via EFS-Web with the United States Patent and Trademark Office on June 12, 2006.

TOWNSEND and TOWNSEND and CREW LLP

By: /Nina L. McNeill/
Nina L. McNeill

PATENT
Attorney Docket No. 020375-003300US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Colleen George et al.

Application No.: 10/079,927

Filed: February 19, 2002

For: SYSTEMS AND METHODS FOR OPERATING LOYALTY PROGRAMS

Confirmation No. 6495

Examiner: Bayat, Bradley B.

Art Unit: 3621

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants received a Notice of Abandonment for the above-identified application from the Patent and Trademark Office, mailed May 30, 2006. Applicants hereby petition that the holding of abandonment be withdrawn since Applicants submitted an Amendment and Communication on August 19, 2005. Copies of these are provided herewith, together with a copy of the accompanying Transmittal Form.

As proof that these items were properly filed, Exhibit A includes a copy of the return postcard bearing a stamp from the USPTO indicating receipt on August 22, 2005.

Applicants thus petition that the holding of abandonment be withdrawn and action taken on the previously filed Amendment and Communication.

No fee is believed to be due for consideration of this petition, but if the Office determines otherwise, it is authorized to deduct the required fee from Deposit Account No. 20-1430.

Respectfully submitted,

/Patrick M. Boucher/

Patrick M. Boucher
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
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PMB/nlm
60795180 v1

EXHIBIT A

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Please stamp the date of receipt of the following document(s):

For: SYSTEMS AND METHODS FOR OPERATING LOYALTY PROGRAMS

1. Transmittal Form
2. Amendment
3. Communication

Appl. No. 10/079,927
Date Filed: February 19, 2002
Date Mailed: August 19, 20095
Atty. Docket No. 020375-003300US
Atty/Sec: PMB/tlm (Den)

PTO/SB/21 (09-04)

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/079,927
Filing Date	February 19, 2002
First Named Inventor	George, Colleen
Art Unit	3621
Examiner Name	Bayat, Bradley B.
Attorney Docket Number	020375-003300US

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☒ Amendment/Reply
  - ☐ After Final
  - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Reply to Missing Parts/ Incomplete Application
  - ☐ Reply to Missing Parts under 37 CFR 1.52 or 1.53
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____
  - ☐ Landscape Table on CD
- ☐ After Allowance Communication to TC
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):
  Communication
  Return Postcard

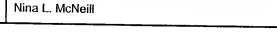
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	Patrick M. Boucher		
Date	August 19, 2005	Reg. No.	44,037

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature			
Typed or printed name	Nina L. McNeill	Date	August 19, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On August 19, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: Nina L. McNeill

PATENT
Attorney Docket No.: 020375-003300US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Colleen George et al.

Application No.: 10/079,927

Filed: February 19, 2002

For: SYSTEMS AND METHODS FOR OPERATING LOYALTY PROGRAMS

Customer No.: 20350

Confirmation No. 6495

Examiner: Bayat, Bradley B.

Technology Center/Art Unit: 3621

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed June 9, 2005, please enter the following amendments and remarks:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks begin on page 10 of this paper.

Amendments to the Claims:

Please cancel Claims 2, 3, 5, 15 – 18, and 20 without prejudice or disclaimer, and amend Claims 1, 4, 6 – 9, 12, 13, 19, 21, 22, and 25 – 30 as indicated by the following listing of claims, which replaces all prior versions and listings of claims in the application.

Listing of Claims:

1. (Currently Amended) A method for operating a loyalty program integrated with a financial infrastructure, the method comprising:

receiving, at a loyalty host system, a transaction instruction initiated by a customer at a merchant point-of-sale device disposed at a merchant point of sale;

determining, with the loyalty host system, whether the customer and merchant are participants in the loyalty program;

executing, with the loyalty host system, a loyalty process in accordance with the loyalty program if the customer and merchant are participants, wherein the loyalty process includes augmenting a stored point total for the customer by an augmentation amount in accordance with the application of administration criteria to the transaction instruction; **and**

transmitting, with the loyalty host system, the transaction instruction to the financial infrastructure with a request for approval of the transaction instruction;

receiving, with the loyalty host system, a denial of the transaction instruction from the financial infrastructure;

backing out of the loyalty process, with the loyalty host system, by decrementing the stored point total for the customer by the augmentation amount after receiving the denial of the transaction instruction; and

transmitting, with the loyalty host system, the denial of the transaction instruction to the merchant point-of-sale device.

2. – 3. (Canceled)

4. (Currently Amended) The method recited in claim 1 wherein executing the loyalty process comprises transmitting an instruction to the merchant to provide a ~~substantially immediate~~ reward to the customer immediately at the point of sale in accordance with the loyalty program.

5. (Canceled).

6. (Currently Amended) A method for operating a loyalty system, the method comprising:

maintaining, at a loyalty host system, ~~including~~ administration criteria for each of a plurality of distinct loyalty programs comprised by the loyalty system;

receiving transaction information, at the loyalty host system from a merchant point-of-sale device disposed at a merchant point of sale, for a transaction between a customer and a first merchant enrolled in at least one of the loyalty programs; ~~and~~

augmenting, with the loyalty host system, a point total for the customer in accordance with the transaction information and with the administration criteria for the at least one of the loyalty programs;

transmitting, with the loyalty host system, the transaction information to a financial infrastructure with a request for approval of the transaction;

receiving, with the loyalty host system, an approval of the transaction from the financial infrastructure; and

transmitting, with the loyalty host system, the approval of the transaction to the point-of-sale device,

wherein the augmented point total is available to be applied by the customer towards a reward from a second merchant enrolled in the at least one of the loyalty programs substantially immediately after execution of the transaction, the second merchant being different from the first merchant.

7. (Currently Amended) The method recited in claim 6 wherein the transaction information identifies an issuer of an instrument used by the customer to participate in the at least one of the loyalty programs.

8. (Currently Amended) The method recited in claim 7 wherein the first and second merchants assign different values to the point total, the method further comprising performing point-settlement functions among the merchants with the loyalty host system.

9. (Currently Amended) The method recited in claim 7 further comprising providing a report regarding point status to the issuer with the loyalty host system.

10. (Original) The method recited in claim 7 wherein the instrument comprises a magnetic-stripe card.

11. (Original) The method recited in claim 7 wherein the instrument comprises a chip card.

12. (Currently Amended) The method recited in claim 6 further comprising transmitting an instruction from the loyalty host system to the second merchant to provide the reward in response to receiving the transaction information for the transaction between the customer and the first merchant.

13. (Currently Amended) The method recited in claim 6 further comprising providing details of the customer's status within the at least one of the loyalty programs to the customer with the loyalty host system.

14 . (Original) The method recited in claim 13 wherein the details are provided over the internet.

15. – 18. (Canceled).

19. (Currently Amended) A computer-readable storage medium having a computer-readable program embodied therein for directing operation of a computer system including a communications system, a processor, and a storage device, wherein the computer-readable program includes instructions for operating the computer system for operating a loyalty program integrated with a financial infrastructure in accordance with the following:

receiving, over the communications system, a transaction instruction initiated by a customer at a merchant point-of-sale device disposed at a merchant point of sale ~~over the communications system~~;

determining whether the customer and merchant are participants in the loyalty program from data stored on the storage device;

executing a loyalty process with the processor in accordance with the loyalty program if the customer and merchant are participants, wherein the loyalty process includes augmenting a stored point total for the customer by an augmentation amount in accordance with the application of administration criteria to the transaction instruction; ~~and~~

transmitting, over the communications system, the transaction instruction to the financial infrastructure with a request for approval of the transaction instruction ~~over the communications system~~;

receiving, over the communications system, a denial of the transaction instruction from the financial infrastructure;

backing out of the loyalty process by decrementing the stored point total for the customer by the augmentation amount after receiving the denial of the transaction instruction; and

transmitting, over the communications system, the denial of the transaction instruction to the merchant point-of-sale device.

20. (Canceled).

21. (Currently Amended) The computer-readable storage medium recited in claim 19 wherein executing the loyalty process comprises transmitting an instruction over the communications system to the merchant to provide a ~~substantially immediate~~ reward to the customer immediately at the point of sale in accordance with the loyalty program.

22. (Currently Amended) A computer-readable storage medium having a computer-readable program embodied therein for directing operation of a loyalty host system including a communications system, a processor, and a storage device, wherein the computer-readable program includes instructions for operating the loyalty host system for operating a loyalty system in accordance with the following:

storing administration criteria on the storage device for each of a plurality of distinct loyalty programs comprised by the loyalty system;

receiving transaction information, over the communications system from a merchant point-of-sale device disposed at a merchant point of sale, for a transaction between a customer and a first merchant enrolled in at least one of the loyalty programs; ~~and~~

augmenting a point total for the customer in accordance with the transaction information and with the administration criteria for the at least one of the loyalty programs;

transmitting, with the communications system, the transaction information to a financial infrastructure with a request for approval of the transaction;

receiving, with the communications system, an approval of the transaction from the financial infrastructure; and

transmitting, with the communications system, the approval of the transaction to the point-of-sale device,

wherein the augmented point total is available to be applied by the customer towards a reward from a second merchant enrolled in the at least one of the loyalty programs substantially immediately after execution of the transaction, the second merchant being different from the first merchant.

23. (Original) The computer-readable storage medium recited in claim 22 wherein the first and second merchants assign different values to the point total, the computer-readable program further including instructions for performing point-settlement functions among the merchants.

24. (Original) The computer-readable storage medium recited in claim 22 wherein the computer-readable program further includes instructions for transmitting an instruction to the second merchant over the communications system to provide the reward in response to receiving the transaction information for the transaction between the customer and the first merchant.

25. (Currently Amended) A loyalty host system for operating a loyalty system including a plurality of distinct loyalty programs; the loyalty host system comprising:

a communications interface configured for exchanging information with a plurality of merchants and a plurality of issuers who issue instruments to customers participating in at least one of the loyalty programs;

a storage device;

a processor in communication with the communications interface and the storage device; and

a memory coupled with the processor, the memory comprising a computer-readable storage medium having a computer-readable program embodied therein for directing operation of the loyalty host system, the computer-readable program including:

instructions for storing administration criteria on the storage device for each of the plurality of distinct loyalty programs;

instructions for receiving transaction information, over the communications interface from a merchant point-of-sale device disposed at a merchant point of sale, for a transaction between a customer and a first merchant enrolled in at least one of the loyalty programs; ~~and~~

instructions for augmenting a point total for the customer in accordance with at least one of the loyalty programs

instructions for transmitting, over the communications interface, the transaction information to a financial infrastructure with a request for approval of the transaction;

instructions for receiving, over the communications interface, an approval of the transaction from the financial infrastructure; and

instructions for transmitting, over the communications interface, the approval of the transaction to the point-of-sale device,

wherein the augmented point total is available to be applied by the customer towards a reward from a second merchant substantially immediately after execution of the transaction, the second merchant being different from the first merchant.

26. (Currently Amended) The loyalty host system recited in claim 25 wherein the first and second merchants assign different values to the point total, the computer-readable program further including instructions for performing point-settlement functions among the merchants.

27. (Currently Amended) The loyalty host system recited in claim 25 wherein the computer-readable program further includes instructions for transmitting an instruction to the second merchant over the communications interface to provide the reward in response to receiving the transaction information for the transaction between the customer and the first merchant.

28. (Currently Amended) The loyalty host system recited in claim 25 wherein the computer-readable program further includes instructions for transmitting the transaction information over the communications interface to at least one of the issuers to seek authorization for the transaction.

29. (Currently Amended) The loyalty host system recited in claim 28 wherein the computer-readable program further includes instructions for deaugmenting the point total for the customer if authorization for the transaction is denied by the issuer.

30. (Currently Amended) The loyalty host system recited in claim 25 wherein the communications interface is further configured such that information exchanged with at least one of the issuers is exchanged through an intermediary issuer association.

REMARKS

1. Declaration

A separate Communication is transmitted concurrently herewith that includes a duplicate copy of the Declaration filed May 17, 2002. Applicants request that the Examiner acknowledge the acceptability of the Declaration.

2. Claims

Claims 1 – 30 have been examined. Claims 1, 6, and 15 stand rejected under 35 U.S.C. §101; Claims 4, 5, and 21 stand rejected under the second paragraph of 35 U.S.C. §112; Claims 1 – 30 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Pat. Publ. No. 2001/0054003 ("Chien"); and certain objections have been made to Claims 7 and 25.

Claims 2, 3, 5, 15 – 18, and 20 have been canceled without prejudice or disclaimer, and Claims 1, 4, 6 – 9, 12, 13, 19, 21, 22, and 25 – 30 have been amended. Such amendments are believed to overcome the rejections and objections, and define aspects of the invention more particularly. No new matter is added by such amendments, which are supported by the specification. Attention is drawn, for example, to p. 8, l. 1 – 9, l. 8 and to p. 11, l. 9 – p. 12, l. 15 of the Application.

a. Claim Objections

Claim 7 has been amended to refer to "an instrument," and Claim 25 has been amended to refer to a "loyalty host system." It is thus believed that the claim objections have been overcome.

b. §101 Rejections

Independent Claims 1 and 6 have been amended to recite specific structure in the form of a loyalty host system to ensure that the claims are grounded in the technological arts. Claim 15 has been canceled. It is thus believed that the §101 rejections have been overcome.

c. §112 Rejections

Amendments have been made to claims 4 and 21 to avoid use of the phrase "substantially immediate." Claim 5 has been canceled. It is accordingly believed that the §112 rejections have been overcome.

d. §102 Rejections

The independent claims as amended recite additional aspects of the invention, and examination of the claims as amended is respectfully requested. In the interest of advancing prosecution of the application, the following comments are offered regarding certain limitations in those claims.

Independent Claims 1 and 19 now respectively recite a method and apparatus for operating a loyalty program integrated with a financial infrastructure. These claims require, *inter alia* that a loyalty process that has been executed be backed out after receiving a denial of a transaction instruction by the financial infrastructure. Such backing out is performed by decrementing a stored point total for a customer by an aggregation amount used to augment the stored point total by previously executing the loyalty process. Such a combination is neither taught nor suggested by Chien. The Office Action cites ¶71 of Chien as disclosing the limitation of canceled Claim 5, which recited a related limitation. It is noted that this portion of Chien addresses steps taken when a participant is attempting to use loyalty points when shopping at a merchant, but is unable to do so. These steps are different from the specific requirements now recited in independent Claims 1 and 19 of "backing out of the loyalty process ... by decrementing the stored point total for the customer by the augmentation amount [applied by

executing the loyalty process] after receiving the denial of the transaction instruction [from the financial infrastructure]." It is accordingly believed that independent Claims 1 and 19 as amended are patentable.

Independent Claims 6, 22, and 25 now respectively recite a method and apparatus for operating a loyalty system. These claims require, *inter alia*, that an augmented point total provided in accordance with transaction information for a transaction with a first merchant and with administration criteria for one of a plurality of distinct loyalty programs be "available to be applied by the customer towards a reward from a second merchant enrolled in the at least one of the loyalty programs substantially immediately after execution of the transaction," for different first and second merchants. Such a combination is neither taught nor suggested by Chien. The Office Action cites ¶¶ 52 – 54 of Chien as disclosing a related limitation of original Claim 6. It is noted that this portion of Chien addresses the conversion of loyalty points to currency value to permit payment for a transaction to be made with loyalty points. It includes no teaching or suggestion of making an augmented point total available to be applied by the customer towards a reward with a *second* merchant substantially immediately after execution of the transaction with the different *first* merchant. It is accordingly believed that independent Claims 6, 22, and 25 are patentable.

Each of the dependent claims is additionally believed to be patentable by virtue of its dependence from a patentable independent claim.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

Patrick M. Boucher
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
PMB:pmb

60559071 v1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Atty Docket No. 020375-003300US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On August 19, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: Nina L. McNeill

Nina L. McNeill

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Examiner: Bayat, Bradley B.
Colleen George, et al.	Art Unit: 3621
Application No.: 10/079,927	COMMUNICATION
Filed: February 19, 2002	
For: SYSTEMS AND METHODS FOR OPERATING LOYALTY PROGRAMS	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants received an Office Action mailed June 9, 2005 indicating that a properly signed oath or declaration in compliance with 37 CFR 1.63 was not received with the Response to the Notice to File Filling Parts of Nonprovisional Application" dated March 18, 2002. A copy of the Declaration, as mailed to the Patent Office on May 17, 2002, is enclosed, and it is believed this Declaration is in compliance with 37 CFR 1.63. A copy of the postcard returned from the Patent Office and stamped by the Patent Office to indicate receipt of the Declaration is also enclosed as evidence of its proper filing.

No fee is believed due. However, if the Office determines otherwise, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above noted Deposit Account.

Respectfully submitted,

Patrick M. Boucher
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (303)571-4000
Fax: (415)576-0300
PMB/nlm

Assistant Commissioner for Patents
BOX MISSING PARTS
Washington, DC 20231

Please stamp the date of receipt of the following document(s):

For: SYSTEMS AND METHODS FOR OPERATING LOYALTY PROGRAMS

1. Transmittal Form
2. Fee Transmittal
3. PTO Copy of Notice to File Missing Parts . . .
4. Executed Declaration
5. Recordation Cover Sheet and Executed Assignment
6. Executed Power of Attorney and Statement Under 37 CFR 3.73(b)

REC'D
JUL 16 2002

JUL 12 2002

Appl. No. 10/079,927
Date Filed: February 19, 2002
Date Mailed: May 17, 2002
Atty. Docket No. 020375-003300US
Atty/Sec: PMB/nlm (Den)

Please type a plus sign (+) inside this box → [+]

PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/079,927
Filing Date	February 19, 2002
First Named Inventor	George, Colleen
Group Art Unit	2161
Examiner Name	Not Yet Known
Attorney Docket Number	020375-003300US

ENCLOSURES *(check all that apply)*

- ☒ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Response
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
- ☒ Response to Missing Parts under 37 CFR 1.52 or 1.53
- ☒ Assignment Papers *(for an Application)*
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- ☐ Petition to Convert to a Provisional Application
- ☒ Power of Attorney and Statement Under 37 CFR 3.73(b)
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s)
- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) *(please identify below):*

Return Postcard
Executed Declaration
PTO copy of Notice to File Missing Parts...

Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Patrick M. Boucher Reg. No. 44,037
Signature	Patrick Mer
Date	May 17, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, BOX MISSING PARTS, Washington, D.C. 20231 on this date: May 17, 2002

Typed or printed name	Nina L. McNeill		
Signature	Nina L McNeill	Date	May 17, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.
DE 7071139 v1

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **SYSTEMS AND METHODS FOR OPERATING LOYALTY PROGRAMS** the specification of which was filed on February 19, 2002 as Application No. 10/079,927.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

Full Name of Inventor 1:	Last Name: **GEORGE**	First Name: **COLLEEN**	Middle Name or Initial:	
Residence & Citizenship:	City: **Centennial**	State/Foreign Country: **CO**	Country of Citizenship: **United States**	
Post Office Address:	Post Office Address: **3348 E. Geddes Drive**	City: **Centennial**	State/Country: **CO**	Postal Code: **80122**
Full Name of Inventor 2:	Last Name: **CAWTHORNE**	First Name: **JOHN**	Middle Name or Initial:	
Residence & Citizenship:	City: **Doylestown**	State/Foreign Country: **PA**	Country of Citizenship: **United States**	
Post Office Address:	Post Office Address: **149 Tower Hill Road**	City: **Doylestown**	State/Country: **PA**	Postal Code: **18901**

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2
Colleen George	John Cawthorne
Date 4/9/02	Date 4/22/02

DE 7067098 v1

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/079,927	02/19/2002	Colleen George	020375-003300US

CONFIRMATION NO. 6495

20350
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

FORMALITIES LETTER

OC000000007662733

Date Mailed: 03/18/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
  Applicant must submit $ **740** *to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is $432.
  - **$180** for **10** total claims over 20.
  - **$252** for **3** independent claims over 3 .
- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of $130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is $ 1302.**

A copy of this notice MUST be returned with the reply.

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PART 2 - COPY TO BE RETURNED WITH RESPONSE